

Meeting Minutes 10/6/22

THE FAYETTE COUNTY PLANNING COMMISSION met on October 6th, 2022 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Arnold Martin, Chairman
Brian Haren, Vice-Chairman
John H. Culbreth
Jim Oliver
Danny England

STAFF PRESENT: Deborah Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

1. Consideration of the Minutes of the meeting held on September 1, 2022.

John Culbreth Sr. made a motion to approve the minutes of the meeting held on September 1st, 2022. Danny England seconded the motion. The motion passed 5-0.

2. Consideration of 2023 Planning Commission meeting dates.

Brian Haren made a motion to approve the 2023 Planning Commission meeting dates. John Culbreth Sr. seconded the motion. The motion passed 5-0.

3. Consideration of a Minor Revision to a Major Final Plat of Kenwood Business Park, Phase Five (Lots 114 – 118).

Planning and Zoning Director Deborah Bell stated this was a request to combine lots that were individual lots under the original development plan for the Business Park.

John Culbreth Sr. asked if this was the same plat of land discussed in the last meeting?

Deborah Bell stated the plat is in Kenwood Business Park. She added there was a rezoning that came up that was adjacent to Kenwood Business Park previously, but this is a separate group of parcels.

Jim Oliver made a motion to approve the Minor Revision to a Major Final Plat of Kenwood Business Park, Phase Five (Lots 114-118). Brian Haren seconded the motion. The motion passed 5-0.

4. Consideration of a Minor Final Plat for Williams Farm.

Ms. Bell stated this is a subdivision of approximately 16 acres into three (3) five (5) plus acre lots on Snead Road near the corner of Snead and Old Greenville.

Chairman Martin asked if the petitioner was present?

Deborah Bell stated they requested not to attend because they were an older couple and concerned about being out in public.

Brian Haren made a motion to approve the Minor Final Plat for Williams Farm. Jim Oliver seconded the motion. The motion passed 5-0.

PUBLIC HEARING

- 5. Consideration of Petition No. 1323-22 Johnnie K. Holland, Owner, and Randy M. Boyd, Agent, request to rezone 8.056 acres from A-R to R-45 to create four (4) residential lots. This property is located in Land Lot 254 of the 5th District and fronts on Kenwood Road and South Kite Lake Road.**

Randy Boyd, Agent, stated the property is owned by Johnnie Holland. He added he has performed a boundary survey of the property and has created a lot for Ms. Holland and her guesthouse along with three (3) additional lots. He continued it is currently zoned A-R and are requesting it be rezoned to R-45. Mr. Boyd stated the rezoning request is in compliance with the Comprehensive Land Use Plan. He added he has been in conversation with the Planning and Zoning Department and has addressed the comments on the staff report. He requested an amendment to the condition concerning the guesthouse. He stated the guesthouse has 768 square feet of living area which is a violation of the County ordinance. He continued staff has recommended he applies for a variance with the Zoning Board of Appeals and if the request is denied the guesthouse is removed. Mr. Boyd requested if the variance is denied that he instead be given the opportunity to bring the guesthouse into compliance.

Rosalyn Daniel spoke in opposition to the petition. She asked if a road would be added for the additional lots?

Mr. Boyd stated the lots have road frontage on Kenwood Road.

Chairman Martin stated there will not be a road added because all the parcels will have driveway entrances from Kenwood.

Brian Haren made a motion to recommend approval of Petition No. 1323-22, request to rezone 8.056 acres from A-R to R-45 to create four (4) residential lots with conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.

6. **Consideration of Petition No. 1324-22A Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 5.615 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 26 of the 7th District and fronts on S.R. 54 and Tyrone Road.**

Ms. Bell stated items six (6), seven (7), eight (8), and nine (9) are four (4) separate parcels of a related project. She stated the project can be presented as a whole with individual hearings for each parcel. She added the conditions differ slightly because the conditions are parcel specific.

Chairman Martin asked if the petitioner was present?

Rick Lindsey introduced himself and Joey Petras. He stated these are four (4) smaller tracts that will combine to one (1) larger tract and then subdivide. He stated, combined all together the four tracts are just shy of ten (10) acres. Currently the four (4) tracks are vacant, there are two (2) abandoned homes on the site, there is a fairly large area that is on a flood plain on the west side of the property that fronts Highway 54 and that area cannot be developed. He stated across Tyrone Road there is a small gas station and large property that now will become the data center in Fayetteville. He stated his client wants to build a small commercial node there for a convenience store, a quick serve restaurant, a high-end automated car wash, and an interior self-storage facility. He stated under the current zoning, C-C, the convenience store and restaurant can be developed, the requested rezoning to C-H is to allow the self-storage facility and the automated car wash. He added the property lies in the Highway 54 West Overlay district and all the requirements of the overlay will be met. He stated staff has recommended the following conditions for 1324-22A:

1. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road.
2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture.
3. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer.
4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 30 days of the approval of the rezoning.
5. The required right-of-way donation shall be provided to the County within 30 days of the approval of the rezoning request.

Mr. Lindsey stated his client is willing to dedicate right of way and adhere to the lighting conditions. He asked if the third condition of a 100-foot buffer be amended to 50 feet which is the standard in the County ordinance. He added a 100-foot buffer will push the self-storage facility closer to Tyrone Road. He continued there are no issues with conditions four (4) and five (5) except for the timing. Mr. Lindsey stated his client is under contract and not scheduled to close until January 2023. He added they would not be able to dedicate right of way or combine parcels. He asked that the timing be amended from 30 days to 12 months from the date of rezoning.

Bill Bonner spoke in favor of the petition. He stated he is one of the owners of the property. He stated he's looked at several plans over the years and none of them are really the quality of this one and it's an appropriate use.

Chairman Martin asked if anyone else wishes to speak in favor of the petition? There were none. He asked if there was anyone to speak in opposition, there were none. He brought the discussion back to the Planning Commission.

Jim Oliver asked what is staff's position about the 30 days?

Ms. Bell stated staff concern is trying to wrap up the plat and, not on this parcel but on other parcels, have structures demolished and have the right of way dedication handled before anything else. She added there are road improvements that will be made on Tyrone Road. She continued she understood they needed to close before anything can be done.

Jim Oliver asked Mr. Lindsey if the closing isn't until January?

Richard Lindsey stated yes. He added if the Planning Commission is uncomfortable with the time frame, they can shorten it to 90 days past the issuance of the Land Disturbance Permit (LDP).

Danny England stated the platting would have to be done prior to applying for the Land Disturbance Permit.

Brian Haren asked for the conceptual site plan to be shown on the presentation screen? He asked if there would be two curb cuts on to Tyrone Road? He added there is a lot of traffic at that intersection.

Ms. Bell stated site plans for rezonings are conceptual and they are not approving strictly the site plan. She added when the site plan comes before them in the Land Disturbance package, they will take a much closer look at the curb cuts, sight distances, and the distances from the intersection. She continued that there will also be requirements from Georgia Department of Transportation (GDOT) for the distance of the curb cuts from Highway 54 on Tyrone Road. She added even though Tyrone Road is a County road, GDOT will have some requirements of the distance from the intersection.

John Culbreth Sr. asked if any consideration has been given to traffic impact in that area?

Mr. Lindsey stated the parcels are already zoned C-C so the restaurant and convenience store could be developed today. He added the self-storage and automated car wash wouldn't generate a lot of traffic, but he doesn't have a traffic study.

Chairman Martin asked if the entrance to the carwash will be off Tyrone?

Mr. Lindsey stated that is the plan.

Danny England asked if the 100-foot buffer was above and beyond what would normally be asked for?

Ms. Bell answered it is.

Danny England asked where did the condition come from?

Ms. Bell answered since the applicant was creating a more intense commercial use, they wanted to make sure they provided some additional protection to the residentially zoned property to the west.

Jim Oliver asked if the project would not work with a 100-foot buffer?

Mr. Lindsey stated it will push it closer to Tyrone Road.

Jim Oliver asked if it could work with a 75-foot buffer.

Joey Petras stated it would be squeezing the building on both sides with a 75-foot buffer and a 50 foot dedication of right of way. He added if the buffer is 100 feet, it squeezes it down where the self-storage facility won't fit. He continued 75 feet would serve a problem as well. He stated the site plan doesn't show the 50 feet dedication of right of way. He added with the dedication of right of way, without a variance, they would have to change the configuration. Mr. Petras stated they would be losing 20 to 25 feet which is the variance they'd be requesting. He added it wouldn't work with a 100 foot buffer.

Danny England asked what level of plan and design is Mr. Petras at with the self-storage, car wash, and gas station structures?

Mr. Petras stated they used the footprint from the self-storage facility they did on Highway 74, behind the quick trip for the site plan. He continued they haven't gotten into the details of the architectural standpoint.

Danny England stated it may be possible to modify the footprint of the self-storage and flip the orientation of the car wash to meet the conditions.

Mr. Petras stated the adjacent land is undeveloped and the County ordinance only requires a 50 foot buffer for C-C and C-H.

Jim Oliver made a motion to recommend approval of Petition No. 1324-22A, request to rezone 5.615 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with amended conditions; 1. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road. 2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture. 3. A 75' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer. 4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel in 365 days or before the LDP, whichever comes first. 5. The required right-of-way donation shall be provided to the County in 365 days of approval of the final plat or before the LDP, whichever come first. John Culbreth Sr. seconded the motion. The motion passed 5-0.

7. **Consideration of Petition No. 1324-22B Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 0.331 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 26 of the 7th District and fronts on Tyrone Road.**

Mr. Lindsey stated they are fine with conditions one (1) and two (2) but asked that conditions three (3), four (4), and five (5) be tied to twelve months or applying for the LDP.

Danny England asked if a building can be demolished prior to an LDP being issued?

Ms. Bell stated that is a separate permit so they can do that in preparation for the Land Disturbance Permit. She added she could see that happening concurrently because the equipment will be on site.

Jim Oliver made a motion to recommend approval of Petition No. 1324-22B, request to rezone 0.331 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with amended conditions; 1. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road. 2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture.

3. All parcels that are a subject of this rezoning shall be removed within 365 days of the approval of the rezoning or before the LDP, whichever comes first. 4. All existing structures on the parcels that are a subject of this rezoning shall be removed in 365 days of approval of the rezoning or before the LDP, whichever comes first. 5. The required right-of-way donation shall be provided to the County in 365 days of approval of the final plat or before the LDP, whichever comes first. John Culbreth Sr. seconded the motion. The motion passed 5-0.

8. Consideration of Petition No. 1324-22C Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 1.993 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 25 of the 7th District and fronts on Tyrone Road.

Mr. Lindsey stated he is fine with the amended conditions.

Mary Kaszonye of Fayette County expressed concerns about the lake near the parcel, the traffic, and changes to the road.

Bill Bonner spoke in support of the project. He stated it would benefit the residents and businesses in the area.

John Culbreth Sr. made a motion to recommend approval of Petition No. 1324-22C, request to rezone 1.993 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with amended conditions; 1. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road. 2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture. 3. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 365 days of the approval of the rezoning or before the LDP, whichever comes first. 4. All existing structures on the parcels that are a subject of this rezoning shall be removed in 365 days of approval of the rezoning or before the LDP, whichever comes first. 5. The required right-of-way donation shall be provided to the County in 365 days of approval of the final plat or before the LDP, whichever comes first. Danny England seconded the motion. The motion passed 5-0.

9. Consideration of Petition No. 1324-22D Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 1.948 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 25 of the 7th District and fronts on Tyrone Road.

Mr. Lindsey stated the conditions are fine except for number two (2). They ask for a 50 foot buffer instead of 75.

John Culbreth Sr. made a motion to recommend approval of Petition No. 1324-22D, request to rezone 1.948 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with amended conditions; 1. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road. 2. A 75' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer. 3. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture. 4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel in 365 days of the approval of the rezoning or before the LDP, whichever comes first. 5. All existing structures on the parcels that are a subject of this rezoning shall be removed in 365 days of approval of the rezoning or before the LDP, whichever comes first. 6. The required right-of-way donation shall be provided to the County in 365 days of approval of the final plat or before the LDP, whichever comes first. Danny England seconded the motion. The motion passed 5-0.

10. Consideration of Petition No. 1325-22, Eric K. Maxwell, Owner, and Randy M. Boyd, Agent, request to rezone 8.49 acres from A-R to R-75 to create three (3) residential lots. This property is located in Land Lot 2 of the 5th District and fronts on Redwine Road.

Mr. Boyd stated he is representing Mr. Eric Maxwell. He continued Mr. Maxwell purchased the property in September 2002 and it is currently vacant, zoned A-R and he is requesting R-75. He added that the recommended conditions be eliminated. He stated getting the subdivision plat in 30 days would be impossible due to the surveying, soil analysis, sight distances check etc. He stated this is conflict with section 104-595 that gives 90 days.

David Hopkins of Fayetteville asked what will be placed on the lots?

Chairman Martin asked if the expectation was putting homes there?

Mr. Boyd stated R-75 has a minimum of two acres with a minimum house size of 2500 square feet. He added there would not be anything out of compliance.

Jim Oliver asked what was staff's position on the 30 days for the plat.

County Attorney, Allison Cox, stated the idea was to get it out there to be subdivided. She stated she's not sure why a time frame would be problematic, the 30 days may be too abbreviated but possibly six months.

Mr. Boyd stated he's never been given a time frame. He added if it applies, why was it not brought up in his previous case? He continued that he sometimes has clients who will get the property rezoned and won't develop but will sell it. He stated tons of properties were rezoned and then developed much later.

John Culbreth Sr. asked Ms. Bell for clarification on the 30 day staff recommendation?

Ms. Bell stated when something gets rezoned, it's expressed that it's going to be a particular use and that it not sit out there where sales can happen with a further subdivision or different layout.

John Culbreth Sr. asked if this is something that has been changed?

Ms. Bell stated it is not a change in the regulations. She added that it was something they could apply across the board. She continued it did get missed on the first one. Ms. Bell stated it was meant to wrap up the request so that it meets the intent of the request.

Jim Oliver asked if it would present a hardship to Mr. Boyd?

Mr. Boyd stated yes.

Jim Oliver made a motion to recommend approval of Petition No. 1325-22, request to rezone 8.49 acres from A-R to R-75 to create three (3) residential lots without conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.

- 11. Consideration of Petition No. 1326-22, Amina, Omar, Saed and Hassan Zakaria, Owner, and Taylor English Duma LLP (Steven L. Jones), Agent, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. This property is located in Land Lot 233 of the 5th District and fronts on Highway 85 North. (This petition cannot be heard due to issues with the survey and legal description. Rescheduled for November 3, 2022)**

There was no action taken on this item.

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John Culbreth Sr. made a motion to adjourn. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 8:17pm.

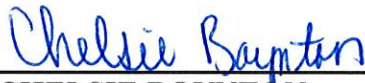
Page 10
October 6th, 2022
PC Meeting

PLANNING COMMISSION
OF
FAYETTE COUNTY



ARNOLD MARTIN, CHAIRMAN

ATTEST:



CHELSIE BOYNTON
PLANNING COMMISSION SECRETARY